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Justice News

The 21st Century Fight Against Global Narcotics Traffickers: A Call For Continued Courage And Vision Prepared Remarks Of U.S. Attorney Preet Bharara IDEC XXVIII Conference, Cancun, Mexico

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It is hard to describe what a privilege it is just to be here, much less to be given the opportunity to speak to a group of people who are, in every way, at the cutting edge of global law enforcement. And this particular gathering – representing some 102 countries – may be the most diverse and committed collection of drug traffic enforcers ever assembled in one place.

I am so proud to be in your company, but even more proud to be in your service.

For you see, prosecutors like me and my colleagues have the easier job in this partnership. Unlike yours, much of our work is done in air-conditioned offices, often before a computer screen, and occasionally from the relative comfort of a courtroom.

Unlike investigating narcotics officers and agents, we seldom find ourselves in a South American jungle or a South Asian mountainside and do not put our lives on the line in risky raids or rescues in the fight against global narcotics traffickers.

And so, without your dedication and daring, without your skill and sacrifice, we prosecutors would have nothing – no cases to gloat about and no convictions to glory in.

By your example, you are deeply inspiring not only to me, but to every prosecutor and public servant who cares about human life and the cause of justice.

Now, during the 28 years of IDEC's existence there have been terrific triumphs in the fight against international drug trafficking. That is for sure. Among other things, cooperation is at an all-time high, worldwide narcotics seizures are up, and the long-feared FARC in Colombia, while still alive and kicking, is not what it used to be.

But notwithstanding the many concrete advances, there is no time for celebration and no time for complacency. Because the world keeps changing, because weapons keep advancing, and because the enemy keeps adapting, there can never be a moment's rest when it comes to the

mission that we here all share. In fact, for a host of reasons, the threats facing so many nations individually and the community of nations collectively have never been more severe. And so our resolve must always be as great as the threats that face us.

What are those threats? What precisely makes the narco threat at this moment in history simultaneously so chilling and so challenging? Let me mention three things.

First, there is the increasing nexus between trafficking and terrorism. While in some places that connection is debated, it really is a matter of common sense. Ask yourselves, what is the singular expertise of the sophisticated drug trafficking organizations that we investigate?

It is the secret smuggling of contraband into high-demand countries; it is the underground acquisition of weapons to protect that contraband; it is the moving of operatives across long distances and across borders; it is the establishment of reliable routes across continents and oceans; and, it is the capability to generate outlandish profits from even small quantities of a controlled substance.

These are precisely the means and methods that aspiring terrorists yearn for – the ability to plan in secret, penetrate borders, and inflict untold damage on nations and people often located at a great distance.

The quick profit that a drug deal generates is a terrorist's dream; and an established and safe intercontinental route for contraband is a terrorist's fantasy. Marrying up with a drug trafficking organization means not having to reinvent the wheel.

On the money front, consider that the first plot to bomb the World Trade Center in New York City is said to have cost just 50,000 U.S. dollars. That is a very conservative estimate of the price of a single kilogram of heroin on the streets of New York today.

The devastating attacks of September 11th, which the 9/11 Commission estimates to have cost under \$500,000, could have been funded by the sale of just 25 kilograms of cocaine or 10 kilos of heroin, which amounts to a routine seizure for most of the people in this room.

More to the point, the potential for an unholy alliance between terrorists and traffickers is more than mere speculation; it is reality.

I have seen it just from my corner of the world in New York. One recent case out of my own office sheds light on this new and troubling reality.

In that case, DEA informants posed as members of the FARC in need of transportation services for shipments of South American cocaine up the coast of Africa and ultimately to Europe. They found three alleged associates of AQIM to partner with them in this criminal effort.

That case – which marks the first time that alleged associates of an al Qaeda affiliate have been charged with narco-terrorism crimes, and which is now pending in a Manhattan federal court – suggests that terrorists are ready, willing, and able to partner with drug traffickers for their mutual benefit.

In fact, precisely because we can expect a strengthening connection between terrorists and traffickers of narcotics, I made a substantial change in my own office last year. I merged our

existing International Narcotics Trafficking Unit with our existing Terrorism and National Security Unit. By doing so, we now have double the resources to bring to bear on the growing narco-terrorist threat. And we have made the most frequent use of the recently enacted narco-terrorism statute of any office in the United States.

Incidentally, right after I speak, the Deputy United States Attorney in my office, Boyd Johnson, and Assistant Special Agent in Charge of the DEA's Special Operations Division, Jim Soiles, will run through many of these cases. I hope you will listen carefully to their presentation.

The second reason for urgency is the tremendous political and economic instability that high-level narco-trafficking can trigger in individual countries and entire regions of the world. When the rule of law is made to take a back seat to the violent rule of drug lords, people's faith in law and order suffers; and the economic order suffers.

In West Africa, for example, there is coming a moment of truth, as drug trafficking organizations based in South America increasingly exploit countries in West Africa as trans-shipment hubs for importing, by air and by sea, hundreds of metric tons of cocaine, worth billions of dollars. These syndicates have preyed like mercenaries upon many of the emerging economies of West Africa – in countries like Guinea Bissau, Guinea Conakry, Sierra Leone, Togo, Mali, Ghana, Nigeria, and Liberia.

In Central America, too, there appears to be a gathering crisis. Five of the six nations in Central America have made President Obama's list of countries with major drug trafficking or producing problems. And, according to the Brookings Institution, "in 2009, Guatemala and Honduras had – each of them – more murders than the 27 countries of the European Union combined." Much of that is believed to be the consequence of drug trafficking.

Finally, of course, there is the tragic and accelerating human toll. Here in Mexico, where we have fittingly gathered for this 28th IDEC Conference, the human toll has risen so high that it almost defies human comprehension. And it is that toll which renders any debate about the need for urgent and immediate action virtually unnecessary.

When some 34,000 human beings have been slaughtered in senseless drug violence in Mexico alone; when dedicated officers of the law daily see their brothers and sisters felled by cartel bullets and go to work each day wondering if it will be their last on earth; when kingpins have taken to chopping off heads as casually as a butcher slices luncheon meat; when murdered victims have been left to decompose in nameless mass graves under a thin layer of lime; when all this is happening, there can be no question about the urgency of the present crisis.

And so this mission that we pursue is about the most fundamental of things – it is about the right to basic safety and security for every man, woman, and child; it is about the right to be free from fear and safe from barbaric violence. Ultimately, it is about standing up for the rule of law; it is a statement by civilized people everywhere that we have had enough.

At the end of the day, it will take many things to prevail in the fight that we have all been waging for some time now. It will take commitment and cooperation and perseverance. It will take will. It will take resources.

But today I want to mention two other qualities that are absolutely essential to this cause. Two human qualities that are, happily, found in increasingly common supply in this global effort, qualities that transcend dispiriting bureaucracies and dwindling budgets. They are the qualities of vision and courage.

What do I mean by vision? It is the ability to see things things that are not seen by others, things that are still far in the distance, but nonetheless within reach. It is the vision to see even in a small lead or a tiny case the seed of something big – the vision to think within the constraints of the law, but still outside the box. It is the vision to make the seemingly impossible possible – to drown out the negative noise of all those naysayers, who tell you something can't be done, who tell you the target can't be found, who tell you the evidence can't be used, who tell you the case just can't be made.

But I don't have to speak in the abstract or in the hypothetical about the concept of vision. All over the world, in recent years, people like you in this room have concretely demonstrated again and again just how far a little vision can go. Consider the case of Bashir Noorzai.

Once upon a time, Bashir Noorzai was known to be the leader of a million-member tribe in Afghanistan and one of that country's most prolific heroin traffickers. He oversaw his own small army. And Bashir Noorzai, by every account and every analysis, was considered untouchable. But the DEA investigators on the case had vision. And it was that vision that ultimately took Noorzai from his stately palace in Kandahar, Afghanistan, to a cramped jail cell in Manhattan, New York.

Believe it or not, the investigation that ultimately felled Noorzai began with a buy of just a few grams of heroin on the streets of Brooklyn, New York – in 2003 and 2004. Tireless agents worked up the chain until they got to the supplier of that heroin, who turned out to be a well-known kingpin in Afghanistan named Baz Mohammed.

Even after Mohammed was identified, some people suggested giving up – they said there was no extradition treaty with Afghanistan; Baz Mohammed was a very connected man; and it was dreaming to think that he could ever be taken into custody. But the agents and prosecutors persevered; they traveled to Afghanistan, again and again; they collected leads and gathered evidence; and, they developed relationships with local law enforcement.

Ultimately, these prosecutors and agents built a formidable case, and at the end of the day, in 2005, the United States Government persuaded President Karzai to approve the extradition of Baz Mohammed. That, by the way, marked the first time in history that someone was extradited from Afghanistan to the U.S.

The story does not end there, because the vision did not end there. Agents and prosecutors persuaded Baz Mohammed himself to cooperate and testify against others, even higher up in the chain. And it turned out that Mohammed himself had a boss – that boss was Bashir Noorzai.

But more evidence was still needed. Agents and prosecutors continued to work hard, and they learned that the Romanians had valuable evidence. In the best spirit of global cooperation, the Romanians stepped up and provided wiretap intercepts of Noorzai speaking to another supposed

untouchable from Iran who was living in Bucharest, Hussein Rikabadi – the man between Norzai's supply of heroin and the markets in the West.

With the benefit of cooperating witnesses and evidence from around the world, we secured enough evidence, ultimately, to charge Noorzai himself – a man who was connected to the head of the Taliban; who was a financier of the Taliban; who headed his own tribe with a million members; and who had a veritable army at his disposal. Because of the vision of the agents working that case, Bashir Noorzai, once untouchable, was convicted at trial in Manhattan and will spend the rest of his life in prison.

Or consider the case of Monzer al-Kassar.

Al-Kassar was reported to be one of the evil masterminds of the notorious Achille Lauro hijacking.

As many of you will recall, that attack, which took place in the 1980's, was notable for its brutality. One passenger was Leon Klinghoffer, who, confined to a wheelchair, chose to celebrate his wedding anniversary on board the ship. Terrorists murdered him in front of his wife. Al-Kassar was also a documented narcotics trafficker throughout the Middle East and Europe and was believed to be one of the world's most prolific suppliers of weapons to violent groups. He, too, was considered to be untouchable. In fact, in the early 1990's he was tried in Spain and acquitted of all charges relating to the Achille Lauro hijacking. But DEA agents refused to give up on making a case against al-Kassar, because they had a larger vision. One of those dedicated agents was Jim Soiles, who you will hear from shortly.

Working with federal prosecutors in Manhattan, Jim and his colleagues conducted a proactive and elaborate sting operation across continents; one that leveraged DEA's strong relationships with a number of you around the world – from Nicaragua to Romania to Greece, and of course, to Spain, where Kassar had hidden in plain sight for years after his acquittal. Because of that work and vision, Monzer al-Kassar was convicted after trial in Manhattan federal court, and will likely die in prison.

These cases and triumphs were possible only because of the penetrating vision and optimism of agents like you.

Apart from vision and perhaps even necessary to it, is the other human quality that I mentioned and that President Calderon frequently emphasizes: courage. Vision, after all, is nothing without the courage to pursue it. A man with vision but without courage is no better off really than a blind man.

Winston Churchill once said that "Courage is rightly esteemed the first of human qualities. . . because it is the quality which guarantees all others." Courage – which is needed in so many fights in life – comes in different varieties. There is political courage. There is moral courage. And there is physical courage. Different types may be needed for different causes.

But the campaign that brings us all here today requires, uniquely I think, a combination of all three. Success in our effort requires the collective courage of many actors who must be, alternately, politically, morally, and physically courageous.

We have seen what victories can be won when people act fearlessly in the pursuit of the rule of law. We have seen courage in the actions of President Calderon. Not too long ago, Mexico stood at a crossroads. Drug cartels were amassing more and more power, striking more and more fear, and operating with greater and greater impunity.

President Calderon chose not to wait and – notwithstanding the political peril – boldly chose to take the fight to the brutal Mexican cartels; chose to extradite scores of cartel members to stand trial in the United States; chose to strike repeated blows for the rule of law; and, chose to stand firm and tall, even in the face of the increasingly medieval tactics of those same cartels. We have seen courage also in the actions of President Ellen Johnson-Sirleaf of Liberia. West Africa has also of late been at something of a crossroads. The nations of that region could become beachheads for the narcotics trade, or they could choose to stand as bulwarks against it.

In a case being prosecuted by my office and that began trial in New York City just yesterday, the Republic of Liberia has boldly made the courageous commitment to the rule of law. Indeed, President Johnson-Sirleaf put her own flesh and blood in the fight and in the line of fire – as her own son, a top government security official, acted as an undercover agent for the DEA, as Administrator Leonhart mentioned yesterday. What greater resolve – what greater mark of courage – could a leader demonstrate than what President Johnson-Sirleaf has done for her country and for our cause?

We have seen courage also in the actions of Presidents Uribe and Santos of Colombia. Their acts of fearlessness are too numerous to catalogue, but perhaps no recent example better illustrates the value of every type of courage – political, moral, and physical – than the stunning hostage rescue successfully executed by Colombian forces against the FARC less than three years ago.

The FARC had for years held 15 prized hostages, including three U.S. military contractors, former presidential candidate Ingrid Betancourt, and 11 others. For years they had been held captive, and every day of their captivity was a day that showed the strength of the FARC.

But on a fateful July day in 2008, President Uribe gave the green light to an audacious rescue plan overseen by future President Santos, then the Minister of Defense. Among the rescuers, some dressed as civilians, some as rebels, some as humanitarian workers. All took acting lessons, and all courageously took the real risk that neither they nor the hostages would emerge alive if the plan did not go perfectly.

That rescue was courageous both in its call and in its flawless execution. And because of that, the FARC, in one fell swoop, was dealt a tremendous blow to their image, morale, and recruiting efforts, which they are still suffering from today.

Of course, there are more quiet – but no less important – acts of courage taking place every day in the fight against the global narcotics trade. We see it, for example, in the conduct of countless Mexican police chiefs. Given the mindless massacre of so many of their law enforcement brothers and sisters, for them, the simple act of putting on a uniform is a profound act of moral and physical courage. Indeed, every agent and officer who, exhausted from a day's dangerous work, tucks in a child at night or is unable even to come home at night, and yet wearily wakes the

next morning to go back to the front line is a powerful role model, whose example makes all of us rededicate ourselves to this important work.

To be sure, there is easier work to be done – there is safer work; there is more pleasant work; there is more lucrative work. But you and your colleagues in this cause choose to do this work because you believe, as I do, that our mission is just, that our job is unfinished, that no one is untouchable, that no one is above or beyond the law.

In this work, we honor the memory of ICE Special Agent Jaime Zapata, recently killed in Mexico; the memory of DEA Special Agents Forrest Leamon, Chad Michael, and Michael Weston, killed in the line of duty while serving in the Afghan war zone; and the memory of countless others on every continent – so many who have given so much.

Thank you all for your service and sacrifice in the cause of this work. Thank you also for your continued courage and vision.

It is a profound honor to be your partner.

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